

DIVORCE WITH CHILDREN

For Respondent Only

3

Do not copy
or file this page

Response

Part 3: Respond to a Divorce Petition
(Forms Packet)



SELF-SERVICE CENTER

**DISSOLUTION OF A NON-COVENANT MARRIAGE (DIVORCE) WITH
CHILDREN
FOR RESPONDENT ONLY**

PART 3 -- RESPONSE TO A PETITION

This packet contains court forms about how to respond to a ***“Petition for Dissolution of a Non-Covenant Marriage (Divorce) With Children.”*** Be sure the documents are in the following order:

Order	File Number	Title	No. Pp.
1	DRDC3ft	Table of forms in this packet	1
2	DRDC3k	Checklist to file <i>“Response”</i>	1
3	DRDC31f	<i>“Response”</i>	8
4	DRAD10f	<i>“Alternative Dispute Resolution (ADR) Statement to the Court”</i>	1

The documents you have received are copyrighted by the Superior Court of Arizona in Maricopa County. You have permission to use them for any lawful purpose. These forms shall not be used to engage in the unauthorized practice of law. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. The documents are under continual revision and are current only for the day they were received. It is strongly recommended that you verify on a regular basis that you have the most current documents.

SELF SERVICE CENTER

RESPONSE TO PETITION AND PAPERS FOR DISSOLUTION OF A NON-COVENANT MARRIAGE (DIVORCE) – WITH CHILDREN

CHECKLIST

Use the forms and instructions in this packet **ONLY** if the following factors apply to your situation:

- ✓ You want to file a Response to a ***“Petition for Dissolution of a Non-Covenant Marriage (Divorce) With Children”***, AND
- ✓ You and your spouse have children with each other OR the wife is pregnant by the husband or will be pregnant by the husband before the divorce is over.

READ ME: Before filing documents with the Court, consult a **lawyer** to help guard against undesired and unexpected consequences. The Self-Service Center has a list of lawyers who can give you legal advice and who can help you on a task-by-task basis for a fee, and a list of court-approved mediators as well. You may view the lists at the Self-Service Centers or from our web site at: <http://www.superiorcourt.maricopa.gov/ssc/provider/lawyers.asp>

Name of Person Filing: (A) _____
 Your Address: _____
 Your City, State, Zip Code: _____
 Your Telephone Number: _____
 ATLAS Number (if applicable): _____
 Attorney Bar Number (if applicable): _____
 Representing ☐ Self (Without Attorney) OR
☐ Attorney for ☐ Petitioner OR ☐ Respondent

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

 Name of Petitioner (B)

Case Number: _____ (C)

 Name of Respondent

RESPONSE TO PETITION FOR DISSOLUTION OF A NON-COVENANT MARRIAGE (DIVORCE) WITH CHILDREN

STATEMENTS TO THE COURT, UNDER OATH OR AFFIRMATION:

1. INFORMATION ABOUT MY SPOUSE, THE PETITIONER

Name: _____
 Address: _____
 Date of Birth: _____
 Job Title: _____
 Starting with today number of months/years in a row your spouse has lived in Arizona: _____

2. INFORMATION ABOUT ME, THE RESPONDENT

Name: _____
 Address: _____
 Date of Birth: _____
 Job Title: _____
 Starting with today number of months/years in a row, you, have lived in Arizona: _____

3. INFORMATION ABOUT MY MARRIAGE:

Date of Marriage: _____
 City and state or country where we were married: _____
☐ We do **not** have a covenant marriage. (**Warning:** If this statement is not true, the petitioner cannot proceed. You should file a motion to dismiss, and then petition the court for a Dissolution of a Covenant Marriage, if you want a divorce.) **I have attached a copy of my marriage license to show that I do not have a covenant marriage.**

4. **90 DAY REQUIREMENT:** ☐ I or ☐ my spouse have lived, or have been stationed while a member of the Armed Forces, in Arizona for at least 90 days before I filed this action. (**WARNING:** If this statement is **not** true, the petitioner **cannot** proceed. You should file a motion to dismiss. You or the petitioner can then re-file the divorce papers when the statement is true.)

Case No. _____

5. **DOMESTIC VIOLENCE.** (If you intend to ask for joint custody, check the box that makes a true statement): Significant domestic violence ☐ **has** OR ☐ **has not** occurred during this marriage.

6. **CHILDREN OF THE PARTIES WHO ARE LESS THAN 18 YEARS OLD** (check one box):

☐ There are **no** children common to the parties, under the age of 18, either born to or adopted by, the parties. **NOTE: IF YOU CHECKED THIS BOX, STOP. YOU SHOULD BE USING THE PETITION PACKET TO GET A DIVORCE WITHOUT CHILDREN.**

☐ The following child(ren), common to the parties, are under age 18 and were born to, or adopted by, my spouse and me: (Attach extra pages if necessary).

Child's Name _____
Birth Date: _____
Address: _____
Length of Time at Address: _____

Child's Name _____
Birth Date: _____
Address _____
Length of Time at Address: _____

Child's Name _____
Birth Date: _____
Address _____
Length of Time at Address: _____

Child's Name _____
Birth Date: _____
Address _____
Length of Time at Address: _____

7. **PREGNANCY**

☐ Wife is **not** pregnant, OR

☐ Wife **is** pregnant

The baby is due on _____ (date), (and, check one box below):

☐ The Petitioner and Respondent are the parents of the child, OR

☐ Petitioner is not the parent of the child, OR.

☐ Respondent is not the parent of the child.

8. **SUMMARY OF WHAT I WANT CONCERNING OUR CHILD(REN) THAT IS DIFFERENT FROM WHAT MY SPOUSE ASKED FOR IN THE PETITION and AFFIDAVIT OF MINOR CHILDREN.** _____

9.a. COMMUNITY PROPERTY: (check one box)

- ☐ My spouse and I did **not** acquire any community property during the marriage, OR
☐ My spouse and I **did** acquire community property during our marriage, and we should divide it as follows:

	Petitioner	Respondent	Value
<input type="checkbox"/> Real estate located at: _____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
Legal Description: _____			

	Petitioner	Respondent	Value
<input type="checkbox"/> Real estate located at: _____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
Legal Description: _____			

	Petitioner	Respondent	Value
<input type="checkbox"/> Household furniture and appliances:	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____

	Petitioner	Respondent	Value
<input type="checkbox"/> Household furnishings:	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____

	Petitioner	Respondent	Value
<input type="checkbox"/> Other items:	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____

	Petitioner	Respondent	Value
<input type="checkbox"/> Pension/retirement fund/profit sharing/stock plan/401K:	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____

	Petitioner	Respondent	Value
<input type="checkbox"/> Motor vehicles:			
Make _____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
Model _____			
VIN _____			
Lien Holder _____			

Case No. _____

	Petitioner	Respondent	Value
Make _____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
Model _____			
VIN _____			
Lien Holder _____			

9.b. SEPARATE PROPERTY. (Check all boxes that apply.)

- ☐ I do **not** have any property (separate property) that I brought into the marriage.
- ☐ My spouse, the Respondent does **not** have any property (separate property) that he/she brought into the marriage.
- ☐ I have property (separate property) that I brought into the marriage. I want this property awarded to me as described below.
- ☐ My spouse, the Respondent, has property (separate property) that he/she brought into the marriage. I want this property awarded to my spouse as described below.

Separate Property: (List the property and the value of the property, and check the box to tell the court who should get the property.)

Description of Separate Property	Petitioner	Respondent	Value
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____

10.a. COMMUNITY DEBTS: (check one box)

- ☐ My spouse and I did **not** incur any community debts during the marriage, **OR**
- ☐ We should divide the responsibility for the debts incurred during the marriage as follows:

DESCRIPTION OF DEBT	Petitioner	Respondent	Amount Owed
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____

10.b. SEPARATE DEBTS. (Check all boxes that apply.)

- ☐ My spouse and I do **not** have any debts that were incurred prior to the marriage or separate debt **OR**
- ☐ I have separate debt or debt that I incurred prior to the marriage that should be paid by me as described below. _____
- _____
- ☐ My spouse has separate debt or debt that he/she or incurred prior to the marriage that should be paid by my spouse as described below.

Case No. _____

DESCRIPTION OF DEBT	Petitioner	Respondent	Amount Owed
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____

11. **SUMMARY OF WHAT I, THE RESPONDENT, REQUEST CONCERNING PROPERTY AND DEBTS THAT IS DIFFERENT FROM WHAT MY SPOUSE ASKED FOR IN THE PETITION.** _____

12. **TAX RETURNS: (Check this box if this is what you want).**

- ☐ After the judge or commissioner signs the Decree of Dissolution of Marriage (Divorce), we will pay federal and state taxes, according to IRS Rules and Regulations, as follows: For previous years (the years we were married, **not** including the year the Decree was signed), the parties will file joint federal and state income tax returns. In addition, for previous calendar years, both parties will, according to IRS Rules and Regulations, pay and hold the other harmless from half of all additional income taxes if any and other costs, and each will share equally in any refunds. For the calendar year (the year that the Decree is signed) and all future calendar years, each party will file, according to IRS Rules and Regulations, separate federal and state income tax returns. Each party will give the other party all necessary documentation to do so.

13. **SPOUSAL MAINTENANCE (ALIMONY) (check the box that applies to you):**

- ☐ Neither party is entitled to spousal maintenance (alimony), OR
- ☐ Petitioner OR ☐ Respondent is entitled to spousal maintenance because: (Check one or more of the box(es) below that apply. At least one reason must apply to get spousal maintenance)
- ☐ Person lacks sufficient property to provide for his/her reasonable needs;
- ☐ Person is unable to support himself/herself through appropriate employment;
- ☐ Person is the custodian of a child(ren) whose age or condition is such that the person should not be required to seek employment outside the home;
- ☐ Person lacks earning ability in the labor market adequate to support himself/herself; and,
- ☐ Person contributed to the educational opportunities of the other spouse or had a marriage of long duration and is now of an age that precludes the possibility of gaining employment adequate to support himself/herself.

14. **SUMMARY OF WHAT I REQUEST REGARDING SPOUSAL MAINTENANCE THAT IS DIFFERENT FROM WHAT MY SPOUSE ASKED FOR IN THE PETITION.** _____

OTHER STATEMENTS TO THE COURT:

15. **STATUS OF MARRIAGE AND CONCILIATION: (Check only one box).**

- ☐ My marriage is irretrievably broken and there is no reasonable prospect of reconciliation. (My marriage is over.) The conciliation requirements under Arizona law, A.R.S. 25-381.09 either do **not** apply or have been met. (This means that we have obtained marriage counseling through Conciliation Services, or going to marriage counseling would not help), OR

Case No. _____

- ☐ My marriage is not irretrievably broken and there are reasonable prospects of reconciliation. The conciliation requirements under Arizona law, A.R.S. 25-381.09 either apply or have **not** been met. **Explain** to the court why you disagree: _____

16. CHILD CUSTODY JURISDICTION. (Check only one box).

- ☐ This court has jurisdiction to decide child custody matters under Arizona law because the children have lived in Arizona for at least 6 months before the Petition was filed or if the children are younger than 6 months old, that they have lived in the State of Arizona since birth.

- ☐ This court does not have jurisdiction to decide child custody matters under Arizona law because the child(ren) have not lived in Arizona for at least 6 months before the Petition was filed. **Explain:** (There are other reasons why the court may **not** have jurisdiction due to the residence of the children. See a lawyer for help.) _____

- 17. GENERAL DENIAL.** I deny anything stated in the Petition that I have not specifically admitted, qualified or denied.

18. WRITTEN CUSTODY AGREEMENT. (Check the boxes that apply, if they apply)

- ☐ My spouse and I have a written agreement signed by both of us about the custody, visitation, and child support for our child(ren).
☐ I have attached a copy of the written agreement.

REQUESTS TO THE COURT:

A. DISSOLUTION (DIVORCE):

- ☐ Dissolve the parties' marriage and return each party to the status of a single person;
☐ Deny the petition and refuse to dissolve the marriage due to my answers in:
☐ Number 3 about covenant marriage;
☐ Number 4 about domicile for 90 days;
☐ Number 15, about the marriage not being irretrievably broken.
☐ Dissolve the marriage and return each party to status of a single person, but refuse to decide child custody matters due to lack of jurisdiction as stated in number 16 above.

B. NAMES:

I took the name of my spouse at the time of marriage and I want to restore my last name to the name I used before this marriage or to my maiden name.

My complete married name is:

--	--	--

I want my name restored to: (List complete maiden or legal name before this marriage):

--	--	--

WARNING: If you are not requesting to have your own former name restored, the court must have a written request from the party who wants his or her name restored to change the name.

- C. CHILD CUSTODY AND VISITATION:** Award custody and visitation of the children under the age of 18 and common to the parties, as follows: (Check either the sole custody box or the joint custody box.

If you check the sole custody box, check only one box related to visitation.)

- C.1.** ☐ **SOLE CUSTODY** of the minor child(ren) awarded to ☐ Petitioner OR ☐ Respondent, subject to visitation as follows:
- ☐ Reasonable visitation rights to the parent not having custody, as will be described in the Parenting Plan attached to the Divorce Decree.
- ☐ Supervised visitation between the children and the ☐ Petitioner OR ☐ Respondent is in the best interest of the children because: (Explain the reasons for supervision or no visitation. Use extra paper if necessary.)
 Name of the person who will supervise: _____
 Requested restrictions on visitation: (explain here) _____

- The cost of supervised parent/child access will be paid by ☐ the parent being supervised;
☐ the parent having custody; ☐ shared equally by the parties.
- ☐ No visitation rights to the parent **not** having custody is in the best interests of the child(ren) because: (Explain the reasons for no visitation. Use extra paper if necessary):
OR
- C.2.** ☐ **JOINT CUSTODY:** Petitioner and Respondent agree to act as joint custodians of the child(ren) as set forth in the Joint Custody Agreement signed by the parties, if the court agrees with the Joint Custody Agreement. (For joint custody, there must have been no "significant" domestic violence in your marriage. A.R.S. 25-303.03)

- D. CHILD SUPPORT:** Order that child support will be paid by: ☐ Petitioner, OR ☐ Respondent in a reasonable amount as determined by the court under the **"Arizona Child Support Guidelines."** Support payments will begin on the first day of the first month following the entry of the divorce decree. These payments, and a fee for handling, will be paid through the Support Payment Clearinghouse and collected by automatic wage assignment.

- E. INSURANCE AND HEALTH CARE EXPENSES FOR CHILDREN:** Order that the ☐ Petitioner, OR ☐ Respondent will pay for the health, medical, and dental insurance coverage for the child(ren) under the age of 18 and common to the parties. Petitioner and Respondent will pay for all reasonable unreimbursed medical, dental, and health-related expenses incurred for the child(ren) in proportion to their respective incomes.

- F. TAX EXEMPTION:** The parties will, subject to IRS Rules and Regulations, claim the children as income tax dependency exemptions on federal and state income tax returns as follows:

Parent entitled to claim	Name of child	Current tax year	Later tax years
<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	_____	_____	_____
<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	_____	_____	_____
<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	_____	_____	_____
<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	_____	_____	_____

Case No. _____

- G. SPOUSAL MAINTENANCE (ALIMONY):** ☐ Order spousal maintenance to be paid by ☐ Petitioner, or ☐ Respondent in the amount of \$_____ per month beginning with the first day of the month after the Judicial Officer signs the Decree and continuing until the person receiving spousal support remarries, either party is deceased, or for a period of _____ months. These payments, and a fee for handling, will be paid through the Support Payment Clearinghouse.
- H. COMMUNITY PROPERTY:** Make a fair division of all community property.
- I. COMMUNITY DEBTS:** Order each party to pay community debts as requested in the Petition, and to pay any other community debts unknown to the other party. Order each party to pay, and hold the other party harmless from, debts incurred by him/her since the parties' separation on (date): _____ or since the date the Respondent was served with the Petition for Dissolution.
- J. SEPARATE PROPERTY and DEBT:** Award each party his/her separate property and make each party pay his/her own separate debt.
- K. OTHER ORDERS I AM REQUESTING** (Explain request here):

(14) OATH OR AFFIRMATION

The contents of this document are true and correct to the best of my knowledge and belief.

Signature

Date

Signed and Sworn to or Affirmed before me this date: _____
Date

(Seal/My Commission Expires)

Deputy Clerk or Notary Public

Name: _____
 Mailing Address: _____
 City, State, Zip Code: _____
 Daytime Phone Number: _____
 Evening Phone Number: _____
 Representing: ☐ Self ☐ Petitioner ☐ Respondent
 State Bar Number: _____

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

 Petitioner

Case No. _____

ATLAS No. _____

 Respondent

ALTERNATIVE DISPUTE RESOLUTION STATEMENT TO THE COURT A.R.C.P. 16(g)(2)

Check appropriate box below:

☐ Petitioner's Statement

☐ Respondent's Statement

☐ Joint Statement (signed by both parties)

Pursuant to the Arizona Rules of Family Law Procedure, we hereby state the following, under penalty of perjury:

1. ☐ The parties agree to participate in the following Alternative Dispute Resolution (ADR) process and:
 - a. have selected the following ADR process:
 - ☐ Arbitration
 - ☐ Mediation
 - ☐ Settlement Conference
 - ☐ Other: _____
 - b. ☐ The parties will use a private provider OR
☐ The parties request a program provided through the court.
 - c. The person or company providing the ADR service is: _____
 - d. The parties expect to complete the ADR process by _____, ____.
2. ☐ The parties have been unable to agree on an ADR process.
 - ☐ The ☐ Petitioner ☐ Respondent believe(s) that the following ADR process would be appropriate: _____
 - ☐ The ☐ Petitioner ☐ Respondent request(s) a conference to discuss ADR.
 - ☐ The ☐ Petitioner ☐ Respondent believe(s) that an ADR process would not be appropriate for the following reason: _____

 Date

 Petitioner

 Date

 Respondent